

REGULAR MEETING

February 10, 2003

The Regular Meeting of the Annapolis City Council was held on February 10, 2003 in the Council Chamber. Mayor Moyer called the meeting to order at 7:30 p.m.

Present on Roll Call: Mayor Moyer, Aldermen Hammond, Tolliver, Kelley, Cordle, Fox, Cohen, Alderwomen Hoyle, Carter

Staff Present: City Attorney Goetzke

Alderman Tolliver moved to approve the Journal of Proceedings for January 13, 2003. Seconded. CARRIED on voice vote.

PETITIONS, REPORTS AND COMMUNICATIONS

Spoke in favor of R-3-03

1. St. John Martin, 521 Wilson Road, Annapolis, Maryland 21401
2. Joanna Mendelman, 2 Burnham Wood Court, Annapolis, Maryland 21403
3. Carole Falk, 1588 Lancaster Street, Annapolis, Maryland 21401
4. Frank M. Hudson, 13607 Gresham Court, Bowie, Maryland 20722
5. Richard Hillman, 4 Randall Court, Annapolis, Maryland 21401

LEGISLATIVE ACTION

ORDINANCES

O-19-02 For the purpose of repealing in its entirety and adding new Annapolis City Code Chapter 14.12, Trees, so as to define the duties of the environmental commission, the department of public works and the director of public works with regard to trees in the City of Annapolis; to provide regulations concerning the removal and maintenance of trees in public areas and in the conservation areas; to provide for the creation and enforcement of a master street tree plan and a tree planting program; to provide for the abatement of certain nuisances; and matters generally relating to said chapter.

Without objection O-19-02 was postponed.

The order of the agenda was amended to allow for reconsideration of O-31-02.

O-31-02 For the purpose of repealing Annapolis City Code, Chapter 2.28, *Harbor Master* and adding new Annapolis City Code, Section 2.12.060, *Harbor Master*, to relocate provisions relating to the harbor master within Chapter 2.12 “Mayor” and to clarify the authority of the harbor master; amending Annapolis City Code, Title 15, *Harbors and Waterfront Areas*, to specify the authority of the harbor master, to clarify activities allowed in City Waters, to increase fines for violations of Title 15, and to clarify enforcement procedures; and matters generally relating to said chapter and title.

Alderman Tolliver moved to reconsider O-31-02. Seconded. CARRIED on voice vote.

Alderman Tolliver moved to adopt O-31-02 on second reading. Seconded.

Alderman Tolliver moved to amend O-31[Revised 2/10/03] as follows:

6. Strike from section 15.16.050 all references to “board of appeals” and substitute therefore “city council”. [Note: This amendment rescinds amendment #8, adopted in January, which was found to conflict with State law.]

7. Strike Section 15.12.020 as amended and substitute the following:

“Section 15.12.020 Leaving property or vessels on public docks, street endings, or shores and on private docks or shores without permission of the owner.

A. This section shall apply to all vessels which could be berthed and to all personal property which could be offloaded at every public dock, street ending, park, dock, shore, or other shoreside real property within the city.

B. A person may not berth, beach, or leave any vessels or any personal property at any street ending, park dock, or upon any public shore without the permission of the harbor master and subject to the limitation of berthing, beaching, or storage provided in subsections C and D of this section.

C. The number of vessels which may be stored at any public street ending, park dock, or upon any public shore having a boat launch shall not exceed one vessel for every ten linear feet of width of the total public frontage available as measured and marked by the harbor master, excluding the width of any launch ramps. Each public street ending shall be posted to indicate the maximum number of boats which may be stored at that location.

D. At any street ending having a boat launch, no vessel may be berthed, beached, or left in any manner which may obstruct access to or use of the boat ramp. Any street ending having a boat launch shall be posted to indicate this restriction.

E. Except for vessels which are registered with the harbor master and which display a current sticker provided by the harbor master, no vessel may be berthed, beached, or stored at any street ending, park dock, or upon any public shore for more than two consecutive nights, and no vessel may be stored at any street ending for more than ten nights in total per year.

F. Except for unpowered canoes and kayaks conforming to the provisions of subsection E of this section, no vessel of more than 12 feet in length or 25 horsepower may be berthed, beached, or left overnight at any street ending.

G. No vessel at a street ending, park dock, or public shore may be left secured side to, secured to a dock by both bow and stern lines, berthed by securing one line to the shore or dock and one to an anchor, or berthed and secured by means of illegal pilings or stakes.

H. Small vessels berthed, beached, or left overnight at street endings, park docks, or on public shores, or on adjacent public property, must first register with the harbor master, pay applicable fees, and display current stickers provided by the harbor master.

I. Any small vessels found anywhere in city waters or beached on any city shores shall be kept in good condition, clean, well-secured, bailed, safe for occupancy, registered as required, and ready for use.

J. No person shall berth, beach, or leave a vessel at any private dock or on any private shore in the city without permission of the owner of the dock or shore. Upon complaint of the owner of the dock or shore of a violation of this provision, the harbor master may issue a citation and take other measures as provided in subsection K of this section.

K. Any violation of this section is a municipal infraction. In addition, any vessels or property found in violation of this section may be removed by the harbor master at the expense of the owner and held in impound per section 15.04.030 until all violations have been abated and all fees paid.

3) Strike amendment #1 adopted in January and substitute in section 15.02.030 the definition for “City Facilities” contained in item 1 of the memorandum from Paul Goetzke dated Jan. 17, 2003.

4) Strike Section 15.20.050 as amended and substitute suggested language in item #2 in the memorandum from Paul Goetzke dated Jan. 17, 2003.

5) Strike all explanatory and editorial comments from the body of the Ordinance.

Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

Alderman moved to adopt O-31-03 amended on third reading. Seconded. CARRIED on voice vote.

The order of the agenda was resumed.

O-4-03 For the purpose of authorizing a lease of certain municipal property located in the harbor and Dock Street areas to the Annapolis and Anne Arundel County Chamber of Commerce, Inc., a body corporate, for a certain period of time, subject to certain terms, provisions, and conditions, for the purpose of conducting a Maritime Heritage Festival; and all matters relating to said lease.

Alderman Hammond moved to adopt O-4-03 on first reading. Seconded. CARRIED on voice vote.

Referred to the Economic Matters Committee and Finance Committee

O-5-03 For the purpose of authorizing the City Council to lease certain municipal property located in the general harbor, Dock Street and Edgewood Road areas to United States Yacht Shows, Inc. and Annapolis Boat Shows, Inc., bodies corporate, for a certain period of time in October 2007, subject to certain terms, provisions and conditions, for the purpose of conducting boat shows; and all matters relating to said lease.

Alderman Hammond moved to adopt O-5-03 on first reading. Seconded. CARRIED on voice vote.

Referred to the Economic Matters Committee and Finance Committee

O-6-03 For the purpose of increasing the Annapolis City Transportation Board membership to eleven City residents; and matters generally relating to said board.

Alderman Hammond moved to adopt O-6-03 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and City Government Committee

O-7-03 For the purpose of establishing a Housing Assistance Trust Fund to provide a more flexible funding source to assist home buyers who may not qualify under existing housing programs; and matters generally relating to said fund.

Alderman Hammond moved to adopt O-7-03 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and City Government Committee

RESOLUTIONS

R-1-03 For the purpose of expressing the Annapolis City Council's endorsement of the Maryland General Assembly amending the Annotated Code of Maryland, Article 2B, Sections 12-108(e) and 16-507(c)(2) so as to revise the City of Annapolis' alcoholic beverage

license enforcement powers and Section 16-410(b)(2) to allow summonses to be served by the City's Police Department; and all matters relating to said amendments.

Alderman Hammond moved to adopt R-1-03 on second reading. Seconded. CARRIED on voice vote.

R-2-03 For the purpose of establishing fees to be paid upon the submission of revised construction drawings and submittals requiring review, pursuant to the issuance of a building permit; and all matters relating to said fees.

Alderman Hammond moved to adopt R-2-03 on second reading. Seconded. CARRIED on voice vote.

R-3-03 For the purpose of commending Dr. Leslie Dunner for the numerous contributions he has made to the City of Annapolis.

Alderman Hammond moved to adopt R-3-03 on first reading. Seconded. CARRIED on voice vote.

R-4-03 For the purpose of expressing the City of Annapolis' concern about a proposal to allow slot machine gambling at horseracing tracks in Maryland; and all matters relating to said issue.

Alderman Cohen moved to adopt R-4-03 on first reading. Seconded. CARRIED on voice vote.

BUSINESS AND MISCELLANEOUS

1. Preliminary Review - Sigma Family Limited Partnership Annexation

Alderman Hammond moved that the applicants work with the Finance, Public Works, and Planning and Zoning Departments to provide the necessary studies for proper consideration of this Petition. Seconded. CARRIED on voice vote.

2. Finance Committee Meeting Recommendations dated January 16, 2003

Alderman Fox moved to accept the Finance Committee Meeting Recommendations dated January 16, 2003. Seconded. CARRIED on voice vote.

3. Payment of Monthly Bills

Alderman Fox moved to pay the monthly bills. Seconded. CARRIED on voice vote.

4. Appointments

Alderman Hammond moved to approve the Mayor's (re)appointments of the following individuals:

2/3/03 Maritime Advisory Board Tarrant Lomax
2/3/03 Ethics Commission Rex S. Caldwell, II

Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 8:00 p.m.

Deborah Heinbuch, CMC/AAE
City Clerk